

AMENDMENTS TO LB 639

Introduced by Judiciary

1           1. Strike the original sections and insert the following  
2 new section:

3           Section 1. (1) Except as provided in subsection (4) of  
4 this section, purchases of legal services by the school board of a  
5 school district in a learning community and the learning community  
6 coordinating council shall be made through the competitive sealed  
7 bidding process prescribed in subsection (2) of this section for  
8 three-year contract periods for periods beginning January 1, 2008.  
9 All contracts for such services shall be approved as to form by the  
10 county attorney, and a copy of each contract shall be filed with  
11 the county clerk.

12           (2) When competitive sealed bidding is required by this  
13 section:

14           (a) Sealed bids shall be solicited by public notice in a  
15 legal newspaper of general circulation in the learning community at  
16 least once a week for two consecutive weeks before the final date  
17 of submitting bids;

18           (b) In addition to subdivision (2)(a) of this section,  
19 sealed bids may also be solicited by sending requests by mail to  
20 prospective attorneys and by posting notice on a public bulletin  
21 board;

22           (c) The notice shall contain: (i) A general description  
23 of the proposed contract; (ii) an invitation for sealed bids; (iii)

1 the name of the official in charge of receiving the bids; (iv) the  
2 date, time, and place the bids received shall be opened; and (v)  
3 whether alternative terms will be considered;

4 (d) All bids shall remain sealed until opened on the  
5 published date and time by the school board or the coordinating  
6 council or its designated agent;

7 (e) Any or all bids may be rejected and the bid need not  
8 be awarded at the time of opening, but may be held over for further  
9 consideration;

10 (f) If all bids received on a pending contract are for  
11 the same unit price or total amount and appear to be so as  
12 the result of collusion between the bidders, the school board or  
13 coordinating council shall have authority to reject all bids and  
14 to purchase the services in the open market, except that the price  
15 paid in the open market shall not exceed the bid price;

16 (g) Each bid, with the name of bidder, shall be entered  
17 on a record and each record, with the successful bidder indicated  
18 thereon, shall, after the award of contract, be open to public  
19 inspection; and

20 (h) All lettings on such bids shall be public and shall  
21 be conducted as provided in Chapter 73, article 1.

22 (3) In awarding the bid, the following elements shall be  
23 given consideration when applicable:

24 (a) The price;

25 (b) The ability, capacity, and skill of the attorney to  
26 perform;

27 (c) The character, integrity, reputation, judgment,

1 experience, and efficiency of the attorney;

2 (d) The quality of previous performance;

3 (e) Whether the attorney can perform within the time  
4 specified;

5 (f) The previous and existing compliance of the attorney  
6 with laws relating to the contract;

7 (g) The nature of the legal service taking into  
8 consideration any commonly accepted tests and standards of service  
9 usability and user requirements; and

10 (h) Such other information as may be secured having a  
11 bearing on the decision.

12 (4) (a) The school board or coordinating council may, by  
13 majority vote of its members, waive the bidding requirements of  
14 this section if such waiver is necessary to meet an emergency which  
15 threatens serious loss of life, health, or property.

16 (b) The school board or coordinating council may, by  
17 majority vote of its members, extend a legal services contract at  
18 the end of any three-year contract period only for purposes of  
19 legal services related to concluding litigation pending on such  
20 date.